

*Fitzpatrick*  
*37393-051506*



**ROANOKE CITY COUNCIL  
REGULAR SESSION**

**MAY 15, 2006  
2:00 P.M.**

**CITY COUNCIL CHAMBER**

**AGENDA**

**1. Call to Order--Roll Call. (All Council Members were present.)**

The Invocation was delivered by Council Member Alfred T. Dowe, Jr.

The Pledge of Allegiance to the Flag of the United States of America was led by Mayor C. Nelson Harris.

Welcome. Mayor Harris.

**NOTICE:**

Meetings of Roanoke City Council are televised live on RVTv Channel 3. Today's Council meeting will be replayed on Channel 3 on Thursday, May 18, 2006, at 7:00 p.m., and Saturday, May 20, 2006, at 4:00 p.m. Council meetings are offered with closed captioning for the hearing impaired.

## **ANNOUNCEMENTS:**

THE PUBLIC IS ADVISED THAT MEMBERS OF COUNCIL RECEIVE THE CITY COUNCIL AGENDA AND RELATED COMMUNICATIONS, REPORTS, ORDINANCES AND RESOLUTIONS, ETC., ON THE WEDNESDAY PRIOR TO THE COUNCIL MEETING TO PROVIDE SUFFICIENT TIME FOR REVIEW OF INFORMATION. CITIZENS WHO ARE INTERESTED IN OBTAINING A COPY OF ANY ITEM LISTED ON THE AGENDA MAY CONTACT THE CITY CLERK'S OFFICE, ROOM 456, NOEL C. TAYLOR MUNICIPAL BUILDING, 215 CHURCH AVENUE, S. W., OR CALL 853-2541.

THE CITY CLERK'S OFFICE PROVIDES THE MAJORITY OF THE CITY COUNCIL AGENDA ON THE INTERNET FOR VIEWING AND RESEARCH PURPOSES. TO ACCESS AGENDA MATERIAL, GO TO THE CITY'S HOMEPAGE AT [WWW.ROANOKEVA.GOV](http://WWW.ROANOKEVA.GOV), CLICK ON THE SERVICE ICON, CLICK ON COUNCIL AGENDAS TO ACCESS THE APPROPRIATE AGENDA AND COUNCIL MEETING. IF ADOBE ACROBAT IS NOT AVAILABLE, A PROMPT WILL APPEAR TO DOWNLOAD PRIOR TO VIEWING AGENDA INFORMATION.

ALL PERSONS WISHING TO ADDRESS COUNCIL ARE REQUESTED TO REGISTER WITH THE STAFF ASSISTANT WHO IS LOCATED AT THE ENTRANCE TO THE COUNCIL CHAMBER. ON THE SAME AGENDA ITEM, ONE TO FOUR SPEAKERS WILL BE ALLOTTED FIVE MINUTES EACH, HOWEVER, IF THERE ARE MORE THAN FOUR SPEAKERS, EACH SPEAKER WILL BE ALLOTTED THREE MINUTES.

ANY PERSON WHO IS INTERESTED IN SERVING ON A CITY COUNCIL APPOINTED AUTHORITY, BOARD, COMMISSION OR COMMITTEE IS REQUESTED TO CONTACT THE CITY CLERK'S OFFICE AT 853-2541, OR ACCESS THE CITY'S HOMEPAGE AT [WWW.ROANOKEVA.GOV](http://WWW.ROANOKEVA.GOV), TO OBTAIN AN APPLICATION.

## **2. PRESENTATIONS AND ACKNOWLEDGEMENTS:**

A Resolution memorializing the late Honorable A. Victor (Vic) Thomas, a Roanoke native and longtime Delegate to the Virginia General Assembly.

**At the request of the Thomas family, action on the resolution was deferred until the regular meeting of Council on June 5 or June 19, 2006.**

**File #367**

Delegate Onzlee Ware presented Council Member M. Rupert Cutler with a copy of House Joint Resolution No. 90 recognizing his service as a Member of Roanoke City Council.

File #80-132

Proclamation declaring May 14 - 20, 2006, as Emergency Medical Services Week.

File #3-354

Proclamation declaring May 14 - 20, 2006, as National Police Week, and Monday, May 15, 2006, as Peace Officers' Memorial Day.

File #3-5

Proclamation declaring May 21 - 27, 2006, as National Public Works Week.

File #3-183

3. **CONSENT AGENDA**  
**Approved (7-0)**

ALL MATTERS LISTED UNDER THE CONSENT AGENDA ARE CONSIDERED TO BE ROUTINE BY THE MEMBERS OF CITY COUNCIL AND WILL BE ENACTED BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THE ITEMS. IF DISCUSSION IS DESIRED, THE ITEM WILL BE REMOVED FROM THE CONSENT AGENDA AND CONSIDERED SEPARATELY.

C-1 Minutes of the regular meeting of Council held on Monday, April 3, 2006.

**RECOMMENDED ACTION:** Dispense with the reading of the minutes and approve as recorded.

C-2 A communication from Mayor C. Nelson Harris requesting that Council convene in a Closed Meeting to discuss vacancies on certain authorities, boards, commissions and committees appointed by Council, pursuant to Section 2.2-3711(A)(1), Code of Virginia (1950), as amended.

**RECOMMENDED ACTION:** Concur in the request.

File #110-132

- C-3           A communication from Council Member Alfred T. Dowe, Jr., Chair, City Council's Personnel Committee, requesting that Council convene in a Closed Meeting to discuss the annual performance of three Council-Appointed Officers, pursuant to Section 2.2-3711(A)(1), Code of Virginia (1950), as amended.  
**RECOMMENDED ACTION: Concur in the request.**  
**File #132**
- C-4           A communication from the City Attorney requesting that Council convene in a Closed Meeting to discuss acquisition of real property for a public purpose, where discussion in open meeting would adversely affect the bargaining position or negotiating strategy of the City, pursuant to Section 2.2-3711(A)(3), Code of Virginia (1950), as amended.  
**RECOMMENDED ACTION: Concur in the request.**  
**File #132**
- C-5           A communication from S. James Sikkema, Executive Director, Blue Ridge Behavioral Healthcare, recommending concurrence in the appointment of Daniel E. Karnes as a member at-large, to fill the unexpired term of John M. Hudgins, Jr., resigned, ending December 31, 2006, and a three-year term beginning January 1, 2007 and ending December 31, 2009.  
**RECOMMENDED ACTION: Concur in the request.**  
**File #314**
- C-6           A communication from Carl T. Tinsley, Sr., Secretary, Roanoke City Electoral Board, transmitting an Abstract of Votes cast in the General Election held in the City of Roanoke on May 2, 2006.  
**RECOMMENDED ACTION: Receive and file.**  
**Approved (-0)**  
**File #40-132**
- C-7           Qualification of the following persons:
- Evelyn W. Manetta as a member of the Parks and Recreation Advisory Board, to fill the unexpired term of James C. Hale, ending March 31, 2009; and
- Charles R. Shaver as an alternate member of the Local Board of Building Code Appeals.
- RECOMMENDED ACTION: Receive and file.**  
**File #15-32-67-110**

## REGULAR AGENDA

### 4. PUBLIC HEARINGS: NONE.

### 5. PETITIONS AND COMMUNICATIONS:

- a. A communication from Mayor C. Nelson Harris with regard to the demolition of Victory Stadium.  
**Adopted Resolution No. 37393-051506. (5-2, Council Members Lea and Wishneff voted no.)**  
**File #122**
- b. Recommendation of the Clerk of Circuit Court for acceptance of Compensation Board Trust Funds, in the amount of \$26,360.00; and a communication from the City Manager concurring in the recommendation.  
**Adopted Budget Ordinance No. 37394-051506. (7-0)**  
**File #60-103**

### 6. REPORTS OF OFFICERS:

- a. CITY MANAGER:

BRIEFINGS: NONE.

#### ITEMS RECOMMENDED FOR ACTION:

1. Appropriation of \$1,997,100.00 for the Martin Luther King, Jr., Memorial Bridge project.  
**Adopted Budget Ordinance No. 37395-051506. (7-0)**  
**File #60-102**
2. Execution of a Performance Agreement for an Economic Development Grant between the City of Roanoke, Valley View Mall, LLC, and the Industrial Development Authority.  
**Adopted Ordinance No. 37396-051506. (7-0)**  
**File #207-236**

3. Execution of renewal of a Downtown Service District Agreement between the City of Roanoke and Downtown Roanoke, Inc.  
**Adopted Resolution No. 37397-051506. (7-0)**  
**File #277-380**
4. Transfer of \$578,841.00 in connection with recommendations of the Human Services Advisory Board to various non-profit agencies and performance audits for fiscal year 2006-2007.  
**Adopted Budget Ordinance No. 37398-051506 and Resolution No. 37399-051506. (7-0)**  
**File #10-60-318**
5. Transfer of \$348,077.00 in connection with recommendations of the Roanoke Arts Commission Agency Funding Advisory Committee to specific Art Commission agencies.  
**Adopted Budget Ordinance No. 37400-051506. (7-0)**  
**File #60-230**
6. Appropriation of funds in connection with the Virginia Department of Transportation Six-Year Improvement Program.  
**Adopted Budget Ordinance No. 37401-051506. (7-0)**  
**File #20-60-77**

## **7. REPORTS OF COMMITTEES:**

- a. Request of the Roanoke City School Board for appropriation of \$2 million in Virginia Literary Funds for improvements and upgrades at Monterey Elementary School; and a report of the Director of Finance recommending that Council concur in the request. Kenneth F. Mundy, Executive Director of Fiscal Services, Spokesperson.  
**Adopted Budget Ordinance No. 37402-051506. (7-0)**  
**File #60-467**

- b. Request of the Roanoke City School Board for appropriation of \$12,000.00 for the William Fleming High School Ninth Grade Transition Grant and \$2,912.00 for the 2006 Advanced Placement (AP) Fee Payment Program; and a report of the Director of Finance recommending that Council concur in the request. Kenneth F. Mundy, Executive Director of Fiscal Services, Spokesperson.  
**Adopted Budget Ordinance No. 37403-051506. (7-0)**  
**File #60-467**

**8. UNFINISHED BUSINESS: NONE.**

**9. INTRODUCTION AND CONSIDERATION OF ORDINANCES AND RESOLUTIONS: NONE.**

**10. MOTIONS AND MISCELLANEOUS BUSINESS:**

- a. Inquiries and/or comments by the Mayor and Members of City Council.

Council Member Cutler called attention to a \$9.5 million construction permit that was issued by the City for improvements to The Patrick Henry Hotel.  
**File #32**

Council Member Dowe commended organizers of the Jabberwock, Strawberry Festival and Local Colors.  
**File #317**

- b. Vacancies on certain authorities, boards, commissions and committees appointed by Council.

## **11. HEARING OF CITIZENS UPON PUBLIC MATTERS:**

**CITY COUNCIL SETS THIS TIME AS A PRIORITY FOR CITIZENS TO BE HEARD. MATTERS REQUIRING REFERRAL TO THE CITY MANAGER WILL BE REFERRED IMMEDIATELY FOR RESPONSE, RECOMMENDATION OR REPORT TO COUNCIL.**

**Mr. John E. Kepley, 2909 Morrison Street, S. E., and Ms. Helen E. Davis, 35 Patton Avenue, N. E., spoke with regard to the integrity of local elected officials.**

**File #132**

**Mr. Jim Fields, 17 Ridgecrest Road, Hardy, Virginia, spoke in support of the renovation of Victory Stadium as a memorial to Roanoke Valley veterans of World War II.**

**File #122**

**Mr. E. Duane Howard, P. O. Box 8111, spoke with regard to nepotism in appointments by Constitutional Officers, and a potential conflict of interest when members of the same family are appointed to certain Council appointed committees.**

**File #66**

**Mr. Robert E. Gravely, 727 29th Street, N. W., spoke with regard to an inadequate pay scale for City employees, the lack of affordable housing for the average citizen of Roanoke, the condition of the City's infrastructure, and the need to market the City of Roanoke.**

**File #66-178-184**

## **12. CITY MANAGER COMMENTS:**

**In response to concerns expressed by citizens earlier in the Council meeting, the City Manager advised that the Annual 4th of July celebration will again be held at River's Edge Sports Complex.**

**File #87-259**



John G. Reed was appointed for a term ending June 30, 2010; Curtis L. Davis was appointed for a term ending June 30, 2008; Michael Hanks was reappointed for a term ending June 30, 2008 and David C. Key was reappointed for a term ending June 30, 2010, as members of the City of Roanoke Pension Plan, Board of Trustees.

File #15-110-429

Clarice Walker was appointed for a term ending June 30, 2006; and Brian Gibson was appointed for a term ending June 30, 2009, as members of the Roanoke Neighborhood Advocates.

File #15-110-488

Jason E. Bingham was reappointed, Mae G. Huff and Todd A. Putney were appointed as Trustees to the Roanoke City School Board for three year terms commencing July 1, 2006, and ending June 30, 2009.

File #15-110-467

Council reconvened in Closed Session to conduct performance evaluations of three Council Appointed Officers.

CERTIFICATION OF CLOSED SESSION. (6-0, Council Member Wishneff was absent.)



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REGULAR SESSION**

**MAY 15, 2006  
7:00 P.M.**

**CITY COUNCIL CHAMBER**

**AGENDA**

**Call to Order -- Roll Call. (Council Member Wishneff was absent.)**

The Invocation was delivered by Vice-Mayor Beverly T. Fitzpatrick, Jr.

The Pledge of Allegiance to the Flag of the United States of America was led by Mayor C. Nelson Harris.

Welcome. Mayor Harris.

**NOTICE:**

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## **A. PUBLIC HEARINGS:**

1. Request of Highland Park United Methodist Church that a portion of property located at 702 Ferdinand Avenue, S. W., identified as Official Tax No. 1120908, and an adjoining parcel of land identified as Official Tax No. 1120909, be rezoned from IN, Institutional District, to RM-1, Residential Mixed Density District, to allow for single family residential housing. Edward A. Natt, Attorney.  
**Adopted Ordinance No. 37404-051506. (6-0)**  
**File #51**
2. Request of Pheasant Ridge Land Investors, LLC, to repeal and replace proffered conditions on a 4.09-acre property located on Pheasant Ridge Road, S. W., identified as Official Tax No. 5460129, such new proffers relating to a new development plan for the subject property to construct one additional multifamily structure. Hunter D. Smith, Vice Manager, Pheasant Ridge Real Estate Holdings, LLC, Spokesperson.  
**Adopted Ordinance No. 37405-051506. (6-0)**  
**File #51**
3. Request of Commonwealth Coach and Trolley Museum, Inc., a non-profit organization, for exemption from taxation of certain personal property located in the City of Roanoke. Darlene L. Burcham, City Manager; and Beverly T. Fitzpatrick, Jr., President, Commonwealth Coach and Trolley Museum, Inc., Spokespersons.  
**Adopted Ordinance No. 37406-051506. (5-0, Vice-Mayor Fitzpatrick abstained from voting.)**  
**File #79**
4. Request of Norfolk and Western Historical Society, Inc., a non-profit organization, for tax exempt status of certain real property located at 2101 Salem Avenue, S. W. Darlene L. Burcham, City Manager; and Bill McClung, President, Norfolk and Western Historical Society, Inc., Spokespersons.  
**Adopted Ordinance No. 37407-051506. (6-0)**  
**File #79**

5. Proposal of the Jacquot Corporation to purchase three parcels of City-owned property located at the intersection of Wells Avenue and Gainsboro Road, N. W., identified as Official Tax Nos. 2012715, 2012716 and 2012717.

**Adopted Ordinance No. 37408-051506. (6-0)**

**File #2**

## **B. HEARING OF CITIZENS UPON PUBLIC MATTERS:**

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